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OFFICE OF PETITIONS

In re Application of :
Wagner, et al. : DECISION ON PETITION
Application No. 10/811,226 :
Filed: March 26, 2004 :
Atty. Dkt. No.: C1041.70005US01 :

The above-identified application has been forwarded to the Office of Petitions for consideration of the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 14, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

The application was held abandoned for failure to timely submit a proper reply to the Notice to File Missing Parts mailed May 11, 2004. The Notice to File Missing Parts set a two month shortened statutory period of time for reply. No petition for extension of time was filed. Notice of Abandonment was mailed September 13, 2007. A petition under 37 CFR 1.181 was filed November 13, 2007 and dismissed December 20, 2007.

Petitioners assert that a response to the Notice to File Missing Parts was timely submitted May 25, 2004 and have provided as proof of mailing and proof a copy of the reply purportedly submitted. The copy of the reply bears a certificate of mailing date of May 25, 2004, in accordance with 37 CFR 1.8.

The original response submitted May 25, 2004 has not been located in the application file. However, in view of the fact that the reply contained a proper certificate of mailing in accordance with 37 CFR 1.8, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to
the undersigned at (571) 272-3205.



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Office of Petitions